

# **ANNEX**

## **To the MEMORANDUM OF AGREEMENT**

**between the**

**UNITED STATES COAST GUARD**

**and**

**NIPPON KAIJI KYOKAI**

**GOVERNING THE DELEGATION OF CERTAIN SURVEY**

**AND CERTIFICATION SERVICES**

**FOR UNITED STATES OF AMERICA FLAGGED VESSELS**

### **APPLICABLE INSTRUMENTS AND AUTHORIZATIONS**

#### **1. Tonnage**

**A.** The following instruments apply:

- International Convention on Tonnage Measurement of Ships of 1969, and Title 46, United States Code of Federal Regulations, Part 69, Subpart B - Convention Measurement System
- Title 46, United States Code of Federal Regulations, Part 69, Subpart C - Standard Measurement System
- Title 46, United States Code of Federal Regulations, Part 69, Subpart D - Dual Measurement System

**B.** ClassNK is authorized to issue Tonnage certificates and perform all related functions in accordance with the International Convention on Tonnage Measurement of Ships, 1969, or in accordance with the Standard or Dual Measurement Systems under Title 46, United States Code, Chapter 145, for U.S. flag vessels. This authorization may be performed for U.S. flag vessels certificated, or to be certificated, for international and domestic voyages.

**C.** In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

1.1 ClassNK may use part-time employees or independent contractors in lieu of exclusive employees to provide measurement services, provided such individuals have been specifically designated by ClassNK to perform this function.

1.2 ClassNK shall not use an employee or contractor to measure and certify the tonnage of a vessel if that employee or contractor is acting or has acted as a tonnage consultant for the same vessel.

1.3 ClassNK shall physically conduct a compliance inspection before issuing each tonnage certificate.

1.4 ClassNK will notify the Coast Guard of scheduled meetings that may take place between ClassNK and other vessel tonnage measurement organizations pertaining to tonnage measurement of U.S. flagged vessels or to systems under which U.S. flagged vessels are measured.

1.5 ClassNK shall, in addition to any requirements of class rules and applicable instruments, apply the supplemental requirements contained within this Annex when performing any authorized function on behalf of the Coast Guard pertaining to the Tonnage certification and survey of U.S. flagged vessels.

## **2. Load Lines**

**A.** The following instruments apply:

- International Convention on Load Lines (ICLL), 1966
- Protocol of 1988 relating to the International Convention on Load Lines, 1966, as amended

**B.** ClassNK is authorized to issue International Load Line certificates and perform all related functions in accordance with the International Convention on Load Lines for U.S. flag vessels. International Load Line certificates issued under the provisions of this agreement may be endorsed as being issued on behalf of the “United States of America.”

**C.** In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

2.1 All requests for exemptions, equivalencies, and experimental purposes (per International Convention on Load Lines Articles 6, 8, and 9, respectively), or other special considerations allowed under the International Convention on Load Lines at the discretion of the Flag Administration, must be forwarded to the Commandant for approval. Such requests must include supporting information and a recommendation from ClassNK concerning approval. Upon approval by the Commandant, ClassNK may issue the appropriately annotated International Load Line Certificate.

2.2 With respect to ICLL Regulation 10, Information to be supplied to the master: IMP circular MSC.1/Circ.1229 sets forth guidelines for approval of stability instruments. Paragraph 4.6 therein specifies tolerances for various data values. However, the Coast Guard has determined that certain tolerances specified in ISO Standard 16155 are more-stringent, and has issued instructions to all authorized class societies that when approving stability instruments on behalf of the Coast Guard, the ISO tolerances should be used in lieu of the MSC circular as follows:

Hull Form Dependent	MSC.1/Circ. 1229	ISO Standard 16155
Displacement	2%	0.35%
LCB, from AP	1% / 50 cm max	0.2% max
Transverse metacentric height	1% / 5 cm max	0.2% max

2.3 In addition to the requirements of class rules and applicable conventions, the policies and interpretations of the following references should be applied where the ICLL leaves certain details to the satisfaction of the Administration:

- *USCG Load Line Technical Manual*: the *LL Technical Manual* integrates USCG load line regulation and policies, ABS and IACS interpretations, IMO circulars, and the ICLL into a single reference document published in 1990; and
- *USCG Load Line Policy Notes*: the *LL Policy Notes* supplement the *LL Technical Manual* by updating all load line interpretations and policies implemented since 1990. (the *LL Technical Manual* and *LL Policy Notes* are posted on the USCG load line website at: <http://www.uscg.mil/hq/cg5/cg5212/loadlines.asp>)

### 3. **SOLAS Cargo Ship Safety Construction Certificate**

A. The following instruments apply:

- International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

B. ClassNK is authorized to conduct plan review and approval, initial and subsequent surveys, periodic reinspections and examinations, and to issue and endorse the SOLAS Cargo Ship Safety Construction Certificate. SOLAS Cargo Ship Safety Construction Certificates issued under the provisions of this agreement may be endorsed as being issued on behalf of the "United States of America."

C. In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

3.1 ClassNK shall, in addition to the requirements of class rules and applicable conventions, apply the supplemental requirements contained within the Addendum to this Annex when performing any authorized function on behalf of the Coast Guard pertaining to the survey and certification of U.S. flagged vessels for the SOLAS Cargo Ship Safety Construction Certificate.

3.2 All requests for exemptions and equivalencies (per International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended), must be forwarded to the Commandant for approval. Such requests must include supporting information and a recommendation from ClassNK concerning approval. Upon approval by the Commandant, ClassNK may issue the appropriately annotated SOLAS Cargo Ship Safety Construction Certificate.

#### **4. SOLAS Cargo Ship Safety Equipment Certificate**

A. The following instruments apply:

- International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

B. ClassNK is authorized to conduct plan review and approval, initial and subsequent surveys, periodic reinspections and examinations, and to issue and endorse the SOLAS Cargo Ship Safety Equipment Certificate. SOLAS Cargo Ship Safety Equipment Certificates issued under the provisions of this agreement may be endorsed as being issued on behalf of the "United States of America."

C. In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

4.1 ClassNK shall, in addition to the requirements of class rules and applicable conventions, apply the supplemental requirements contained within the Addendum to this Annex when performing any authorized function on behalf of the Coast Guard pertaining to the survey and certification of U.S. flagged vessels for the SOLAS Cargo Ship Safety Equipment Certificate.

4.2 All requests for exemptions and equivalencies (per International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended), must be forwarded to the Commandant for approval. Such requests must include supporting information and a recommendation from ClassNK concerning approval. Upon approval by the Commandant, ClassNK may issue the appropriately annotated SOLAS Cargo Ship Safety Equipment Certificate.

#### **5. International Oil Pollution Prevention (IOPP) Certificate**

A. The following instruments apply:

- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78) relating thereto

B. ClassNK is authorized to conduct plan review and approval, initial and subsequent surveys, periodic reinspections and examinations and to issue and endorse the International Oil Pollution Prevention Certificate as provided in Annex I, Chapter 2, Regulation 7, MARPOL 73/78, as may be amended, for U.S. flag vessels. IOPP certificates issued under the provisions of this agreement may be endorsed as being issued on behalf of the "United States of America."

C. In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

5.1 ClassNK may issue an IOPP Certificate having a period of validity of not more than 60 months after ascertaining that the vessel meets the applicable requirements of Annex I, MARPOL 73/78.

5.2 ClassNK shall follow the published Coast Guard guidelines for the surveying of ships pursuant to issuance of an IOPP certificate. These are contained in Navigation and Vessel Inspection Circular (NVIC) No. 6-94, and Change 1 to NVIC No. 6-94 "Guidance for Issuing

IOPP Certificates under Annex I of MARPOL, 1973, as amended by the Protocol of 1978, relating thereto;" NVIC No. 10-94 "Guidance for Determination and Documentation of the Oil Pollution Act of 1990 (OPA 90) Phase-Out Schedule for Existing Single Hull Vessels Carrying Oil in Bulk", and in Volume II of the Coast Guard Marine Safety Manual. In determining whether a vessel requires an IOPP certificate, the term "oil" shall have the same meaning as defined in Chapter 1, regulation 1, of MARPOL Annex I. Vessels whose cargo carriage authority is restricted to products which do not meet the Annex I definition are not required to have an IOPP certificate, notwithstanding the fact domestic legislation may define the product(s) as an oil.

5.3 Multiple IOPP certificates may not be issued to any vessel without the prior approval of the Commandant. A request for multiple IOPP certificates must include supporting information and a recommendation from ClassNK concerning approval. Upon approval by the Commandant, ClassNK may issue the appropriately annotated IOPP Certificate.

5.4 All requests for exemptions, equivalencies, major conversion determinations, or alternatives (per MARPOL, Annex I), or other special considerations allowed at the discretion of the Flag Administration under MARPOL, Annex I, must be forwarded to the Commandant for approval. Such requests must include supporting information and a recommendation from ClassNK concerning approval. Upon approval by the Commandant, ClassNK may issue the appropriately annotated IOPP Certificate.

5.5 Supplemental requirements for this authorization, if any, are provided in the Addendum to this Annex.

## **6. International Air Pollution Prevention (IAPP) Certificate**

A. The following instrument applies:

- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78) relating thereto

B. ClassNK is authorized to conduct plan review and approval, initial and subsequent surveys, periodic reinspections and examinations, and to issue and endorse the International Air Pollution Prevention Certificate as provided in Annex VI, Chapter 2, Regulation 6, MARPOL 73/78, as may be amended, for U.S. flagged vessels. IAPP Certificates issued under the provisions of this agreement may be endorsed as being issued on behalf of the "United States of America."

C. In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in the execution of this authorized function on behalf of the Coast Guard:

6.1 ClassNK may issue an IAPP Certificate having a period of validity of not more than 60 months after ascertaining that the vessel meets the applicable requirements of Annex VI, MARPOL 73/78.

6.2 ClassNK is not authorized to issue Engine International Air Pollution Prevention (EIAPP) Certificates on behalf of the United States of America. For U.S. flagged vessels, this function is performed by the U.S. Environmental Protection Agency.

6.3 Supplemental requirements for this authorization, if any, are provided in the Addendum to this Annex.

6.4 ClassNK shall, in addition to the requirements of class rules and applicable conventions, apply the supplemental requirements referenced in the Addendum when performing any authorized function on behalf of the Coast Guard pertaining to the survey and certification of U.S. flagged vessels for the International Air Pollution Prevention Certificate.

6.5 All requests for exemptions and equivalencies must be forwarded to the Commandant for approval. Such requests must include supporting information and a recommendation from ClassNK concerning approval. Upon approval by the Commandant, ClassNK may issue the appropriately annotated IAPP Certificate.

## **7. ISM Code (Safety Management Certificate and Document of Compliance)**

A. The following instruments apply:

- International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended including applicable IMO resolutions adopted as guidelines
- International Management Code for the Safe Operation of Ships and for Pollution Prevention, 1994 Edition (ISM Code)
- Title 33, United States Code of Federal Regulations, Part 96

B. ClassNK is authorized to conduct review of applications for ISM Code certification. This authorization includes initial, periodical, and renewal verification for issuance of a Company Document of Compliance (DOC) Certificate and a vessel Safety Management Certificate (SMC). Furthermore, ClassNK is authorized to conduct additional verifications in the event that any non-conformities have been found during an initial, periodical, or renewal verification audit. ClassNK is also authorized to issue Interim Certificates within the guidelines established in the applicable instruments listed above. Safety Management Certificates and Document of Compliance certificates issued under the provisions of this authorization may be endorsed as being issued on behalf of the “United States of America.”

C. In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

7.1 No extensions to meeting the requirements of the applicable instruments are allowed; including the extension of certificates issued for ISM Code compliance of U.S. flag vessels and their companies by ClassNK.

7.2 ClassNK shall follow the published Coast Guard guidelines for the surveying of ships pursuant to issuance of a Company Document of Compliance (DOC) Certificate and a vessel Safety Management Certificate (SMC). These are contained in NVIC No. 5-99 "Guidance Regarding Voluntary Compliance with the International Management Code for the Safe Operation Of Ships and for Pollution Prevention (International Safety Management (ISM) Code)."

7.3 Supplemental requirements for this authorization, if any, are provided in the Addendum to this Annex.

**8. Document of Compliance for ships carrying dangerous goods under Safety of Life at Sea 1974, as amended, regulation II-2/19**

A. The following instrument applies:

- International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

B. ClassNK is authorized to conduct plan review and approval, initial and subsequent surveys, periodic reinspections and examinations and to issue and endorse the Document of Compliance (DOC) for ships carrying dangerous goods under SOLAS, regulation II-2/19. The Documents of Compliance issued under the provisions of this agreement may be endorsed as being issued on behalf of the "United States of America."

C. In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

8.1 Supplemental requirements for this authorization, if any, are provided in the Addendum to this Annex.

8.2 ClassNK shall, in addition to the requirements of class rules and applicable conventions, apply the supplemental requirements referenced in the Addendum to this Annex when performing any authorized function on behalf of the Coast Guard pertaining to the survey and certification of U.S. flagged vessels for the Document of Compliance (DOC) for ships carrying dangerous goods under SOLAS regulation II-2/19.

8.3 All requests for exemptions and equivalencies must be forwarded to the Commandant for approval. Such requests must include supporting information and a recommendation from ClassNK concerning approval. Upon approval by the Commandant, ClassNK may issue the appropriately annotated Document of Compliance for ships carrying dangerous goods under SOLAS regulation II-2/19.

**9. International Anti-Fouling System (IAFS) Certificate**

A. The following instrument applies:

- International Convention on the Control of Harmful Anti-Fouling Systems on Ships

**B.** ClassNK is authorized to conduct plan review and approval, initial and subsequent surveys, periodic reinspections and examinations and to issue and endorse the International Anti-Fouling System (IAFS) Certificate as provided in Annex 4, Regulation 3, International Convention of the Control of Harmful Anti-fouling Systems on Ships, as may be amended, for U.S. flag vessels. IAFS certificates issued under the provisions of this agreement may be endorsed as being issued on behalf of the “United States of America.”


**C.** In addition to the conditions set forth in the Agreement and the requirements set forth in the applicable instruments, the following conditions will be adhered to in execution of this authorized function on behalf of the Coast Guard:

9.1 ClassNK shall follow the published Coast Guard guidelines for the surveying of ships pursuant to issuance of an IAFS Certificate. They are contained in CG-CVC Policy Letter “Guidance Implementing the International Convention on the Control of Harmful Anti-Fouling Systems on Ships,” dated October 15, 2012.


**This Annex to the Agreement between the United States Coast Guard and Nippon Kaiji Kyokai becomes effective as provided in the Agreement.**

For the United States Coast Guard

For Nippon Kaiji Kyokai (ClassNK)

 on December 19, 2012

J. G. Lantz  
Director, Commercial Regulations and  
Standards  
United States Coast Guard

 on December 25, 2012

Takuya Yoneya  
Executive Vice President  
Nippon Kaiji Kyokai (ClassNK)